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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,163	03/24/2004	Walter C. Sadakierski	D-30342-01	4809

7590

05/04/2005

Sealed Air Corporation
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EXAMINER

HARMON, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,163

Applicant(s)

SADAKIERSKI ET AL.

Examiner

Christopher R Harmon

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "at least about" is indefinite.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuss et al. (US 6,560,948) in view of Mills et al. (US 4,461,455)

Fuss et al. discloses a method and system for supplying packaging cushions comprising cushion supply machine; lift (air conveyor/blower not shown, see column 2, lines 26-28); hopper 15 with entrance opening and exit 22 openings adapted to manufacture a string of cushions 73.

Fuss et al. do not disclose the use of a movable lift between two positions, however Mills et al. teaches a platform elevator operating with jackscrews 64a and 66a

Art Unit: 3721

on a tower frame with platform 76, backed up by hydraulic cylinders 142 and 144. Mills discusses chain hoists as previous alternatives; see column 1, lines 50-55.

It would have been obvious to one of ordinary skill in the art to include an elevator lift such as provided by Mills et al. in the invention to Fuss et al. in order to handle a heavier fill product if desired.

The examiner takes OFFICIAL NOTICE that hydraulic cylinders and/or hoists are well known equivalents for elevator actuators. It would have been obvious to one of ordinary skill in the art to substitute hydraulic cylinders or a hoist for the jackscrews in the invention to Mills et al. for lifting the platform.

5. Claims 1-8, 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,672,033).

Brown supplies a chain of packaging cushions 17, 159 to hopper 26 via air conveyor 58, 139; see all figures. Brown does not disclose moving supply machine 16 to multiple stations (reload and supply). However the examiner takes OFFICIAL NOTICE that moving the station between a loading and reloading station would have been obvious to one of ordinary skill in the art at the time the invention was made in order to lessen the stress on air conveyor 58, 151. Regarding claims 17-18, see figure 16.

6. Alternatively, claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,672,033) in view of Mills et al. (US 4,461,455).

Art Unit: 3721

Brown discloses a tower for air conveyor lift 139 (figure 16) however does not disclose a jackscrew, hoist or hydraulic lift for conveying the supply machine.

It would have been obvious to one of ordinary skill in the art to include an elevator lift such as provided by Mills et al. in the invention to in order to move the supply machine to different positions instead of transporting the packages vertically by air conveyor.

The examiner takes OFFICIAL NOTICE that hydraulic cylinders and/or hoists are well known substitutes for the jackscrews of invention to Mills et al. for actuating the lift. It would have been obvious to one of ordinary skill in the art to substitute hydraulic cylinders or a hoist for the jackscrews in the invention to Mills et al. for lifting the platform.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Rinaldi I. Rada', with a long horizontal flourish extending to the right.

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700